IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1662 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GAJENDRAKUMAR BABULAL JAIN

Versus

GUJARAT AYURVED UNIVERSITY

Appearance:

1. Special Civil Application No. 1662 of 1992

SERVED BY RPAD - (N) for Petitioner No. 1

NOTICE SERVED for Petitioner No. 1

MS SHRUTI TRIVEDI with MR SN SHELAT for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/09/2004

ORAL JUDGEMENT

1.0. Though served none appears on behalf of the petitioner.

1.1. The petitioner by way of this petition has challenged order dated 31st December, 1991, whereby his

appointment was cancelled with immediate effect.

2.0. The respondent University has appeared and contested the petition by filing affidavit-in-reply. In the reply it is stated that the order of appointment was only for a period until SC/BC candidate was available and that he can be relieved by one month's notice and the appointment was on probation for a period of two years. It is further stated that the recommendations of the Staff Selection Committee were placed before the Standing Managing Committee at its meeting held on 27th December, 1991. The said recommendations were considered by the members of the Standing Managing Committee and the Committee was of the opinion that conditional appointment could not be given to the general category candidate and it was resolved that if any internal candidate is promoted, he should be reverted and appointment of direct candidate should be cancelled and they should be relieved from the service.

2.1. Ms. Trivedi learned advocate appearing for the respondent University submitted that even otherwise also in view of the order of the Division Bench in Letters Patent Appeal no. 216 of 1993 dated 30th June, 1993, the grievance of the petitioner cannot be entertained.

3.0. In that view of the matter, now nothing surives in this petition. Hence, it is dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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